

Stuart G. Gross (SBN 251019)  
Ross A. Middlemiss (SBN 323737)  
Travis H.A. Smith (SBN 331305)  
**GROSS KLEIN PC**  
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*Attorneys for Plaintiffs and the Proposed Classes*  
[additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**BRAND LITTLE and ROBIN BURNS,  
Individually and on Behalf of All Others Similarly  
Situated,**

Plaintiffs,

V.

PACIFIC SEAFOOD PROCUREMENT, LLC;  
PACIFIC SEAFOOD PROCESSING, LLC;  
PACIFIC SEAFOOD FLEET, LLC; PACIFIC  
SEAFOOD DISTRIBUTION, LLC; PACIFIC  
SEAFOOD USA, LLC; DULCICH, INC.;  
PACIFIC SEAFOOD – EUREKA, LLC;  
PACIFIC SEAFOOD – CHARLESTON, LLC;  
PACIFIC SEAFOOD – WARRENTON, LLC;  
PACIFIC SEAFOOD – NEWPORT, LLC;  
PACIFIC SEAFOOD – BROOKINGS, LLC;  
PACIFIC SEAFOOD – WESTPORT, LLC;  
PACIFIC SURIMI – NEWPORT LLC; BLUE  
RIVER SEAFOOD, INC.; SAFE COAST  
SEAFOODS, LLC; SAFE COAST SEAFOODS  
WASHINGTON, LLC; OCEAN GOLD  
SEAFOODS, INC.; NOR-CAL SEAFOOD,  
INC.; KEVIN LEE; AMERICAN SEAFOOD  
EXP, INC.; CALIFORNIA SHELLFISH  
COMPANY, INC.; ROBERT BUGATTO  
ENTERPRISES, INC.; ALASKA ICE  
SEAFOODS, INC.; LONG FISHERIES, INC.;  
CAITO FISHERIES, INC.; CAITO  
FISHERIES, LLC; SOUTHWIND FOODS,  
LLC; FISHERMEN’S CATCH, INC.;  
GLOBAL QUALITY FOODS, INC.; GLOBAL  
QUALITY SEAFOOD LLC; OCEAN KING

Case No. 3:23-cv-01098-AGT

**STIPULATION AND  
~~PROPOSED~~ ORDER RE:  
SUBPOENAED TELEPHONE  
RECORDS**

Judge: Honorable Alex G. Tse

1           **FISH INC.; BORNSTEIN SEAFOODS, INC.;**  
2           **ASTORIA PACIFIC SEAFOODS, LLC; DA**  
3           **YANG SEAFOOD INC.; GREAT OCEAN**  
4           **SEAFOOD INC.; and DOES 32-60,**

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Defendants.

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STIPULATION AND [PROPOSED] ORDER RE: SUBPOENAED TELEPHONE RECORDS; Case No. 3:23-cv-01098-AGT

1           WHEREAS, Plaintiffs Brand Little and Robin Burns (collectively, "Plaintiffs") served  
 2 subpoenas on AT&T and Verizon Wireless (the "Subpoenas") that sought, *inter alia*, production  
 3 of records concerning Nonparty Don Alber ("Alber") and the phone number (206) 499-6988  
 4 (collectively the "Alber Phone Records");

5           WHEREAS, Alber has voiced certain concerns regarding the production of the Alber  
 6 Phone Records;

7           WHEREAS, AT&T and Verizon Wireless have represented that the production of in  
 8 response to the Subpoenas will only include logs of voice calls or text messages, disclosing date,  
 9 time, duration, and to/from phone numbers, but will not include the content of any  
 10 communications, such as texts, voicemails, call recordings, internet traffic information, or emails  
 11 (collectively, "Communications Contents");

12           WHEREAS, Alber has represented that he ceased to be affiliated with any fish buyer after  
 13 March 1, 2020;

14           WHEREAS, in light of such representations and the parties' desire to resolve the matter in  
 15 way that amicably and efficiently addresses Alber's concerns; and

16           WHEREAS, the undersigned counsel for Plaintiffs attests that he was authorized to sign  
 17 this stipulation on behalf of counsel for Alber,

18           Plaintiffs and Alber hereby stipulate, subject to approval by the Court:

- 19           1. AT&T and Verizon Wireless shall not produce any Alber Phone Records for  
 20           communications that occurred after March 1, 2020;
- 21           2. The Alber Phone Records produced by AT&T and Verizon to Plaintiffs shall not be  
 22           disclosed to anyone other than Stuart Gross, Ross Middlemiss, Ian Atkinson-  
 23           Young, Alber's counsel, and Alber, for thirty (30) days after their production to  
 24           Plaintiffs (the "Review Period");
- 25           3. During the Review Period, Alber may redact information concerning  
 26           communications with persons wholly unrelated to the crab industry.
- 27           4. In the event that Alber wishes to make any such redactions, he shall provide to  
 28           Plaintiffs, prior to the expiration of the Review Period, a redacted version of the

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STIPULATION AND [PROPOSED] ORDER RE: SUBPOENAED TELEPHONE RECORDS; Case No. 3:23-cv-01098-AGT

1 records (the “Redacted Alber Phone Records”), a categorical log of redactions that  
 2 indicates the phone number(s) associated with all redacted entries, along with a  
 3 generic description of the counterparty to such redactions (e.g. “415-867-5309,  
 4 doctor”) and a statement under oath affirming the accuracy of the log;

5 5. In the event that Alber exercises his rights under the foregoing paragraph 4 within  
 6 thirty days, Plaintiffs shall be barred from disclosing to any party or using for any  
 7 purpose the unredacted version of the Alber Phone Records and shall produce to the  
 8 defendants in this case only the Redacted Alber Phone Records, absent further  
 9 order by this Court;

10 6. If Alber fails to exercise his rights under the foregoing paragraph 4 before the  
 11 expiration of the Review Period, Plaintiffs may use the Alber Phone Records  
 12 without restriction;

13 7. Irrespective of his decision to exercise or not exercise his rights under the foregoing  
 14 paragraph 4, Alber is entitled to designate information in the Alber Phone Records  
 15 and/or the Redacted Alber Phone Records either Confidential or Highly  
 16 Confidential pursuant to the existing protective order, Dkt. No. 63;

17 8. Alber reserves any rights to seek attorneys’ fees and costs, as allowed by law,  
 18 including any right to move for such attorneys’ fees and costs incurred in response  
 19 to Plaintiffs subpoenas to AT&T and Verizon for his cell phone records;

20 9. And Plaintiffs reserves all rights, arguments, and defenses concerning any such  
 21 request for attorneys’ fees or cost by Alber.

22  
 23  
 24 Dated: October 30, 2025

*/s/ Stuart G. Gross*

25 Stuart G. Gross (SBN 251019)

26 Travis H. A. Smith (SBN 331305)

27 Ross A. Middlemiss (SBN 323737)

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STIPULATION AND [PROPOSED] ORDER RE: SUBPOENAED TELEPHONE RECORDS; Case No. 3:23-cv-01098-AGT

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5 *Counsel for Plaintiffs and the Proposed Class*

6 Dated: October 29, 2025

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9  
10 /s/ Stephen Kent Rose

11 Stephen Kent Rose  
12 Lawyer, Attorney, and Counselor at Law  
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14 San Francisco, CA 94129  
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16 stephenkentrose@gmail.com

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18 *Counsel for Nonparty Don Alber*

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28 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

13 Dated: November 10, 2025



14 Hon. Alex G. Tse  
15 United States Magistrate Judge

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